

**ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
JOHN MAUZY PITTMAN, CHIEF JUDGE  
DIVISION I**

CACR04-1299

January 31, 2007

MICHAEL C. MYERS

APPELLANT

APPEAL FROM JACKSON COUNTY  
CIRCUIT COURT [NO. CR-03-147]

HON. HAROLD S. ERWIN,  
JUDGE

V.

STATE OF ARKANSAS

APPELLEE

MOTION TO WITHDRAW DENIED;  
COUNSEL RELIEVED FOR  
NONCOMPLIANCE; NEW COUNSEL  
APPOINTED

A jury in Jackson County found appellant, Michael Myers, guilty of first-degree murder, for which he was sentenced to thirty years in prison. His appointed counsel, C. Scott Nance, filed a motion to withdraw on the grounds that the appeal is wholly without merit. Although this no-merit appeal is now before us for the third time, Mr. Nance has again filed a brief that is not in compliance with the decision in *Anders v. California*, 386 U.S. 738 (1967), and Rule 4-3(j) of the Rules of the Supreme Court and Court of Appeals.

In an unpublished opinion dated January 11, 2006, we ordered rebriefing because counsel had not discussed his objection and the trial court's ruling admitting exhibits 15 and 16 into evidence, which were photographs taken of the deceased in the hospital. Counsel had

also failed to discuss his objection and the trial court's ruling allowing the introduction of the crime-scene photographs into evidence. Further, counsel had failed to abstract his entire objection to four autopsy photographs, and he only discussed the admission of two of those photographs.

On June 28, 2006, we again ordered rebriefing because counsel had not discussed, as directed, the adverse rulings with regard to exhibits 15 and 16, nor had he discussed the trial court's ruling admitting the crime-scene photographs into evidence.

Since the last opinion ordering rebriefing, counsel has been granted five briefing extensions. When the brief was first tendered, it was rejected because the addendum did not contain the notice of appeal. The brief now submitted contains no argument section that lists or discusses any of the adverse rulings pertinent to this appeal, but instead contains a discussion that obviously is from a no-merit appeal in another case entirely.

We do not know why Mr. Nance has persistently failed to comply with *Anders v. California* and our prior orders of rebriefing in this case. Nevertheless, we think that the interest of justice requires that we relieve Mr. Nance as appellant's counsel. We appoint Ms. Amanda J. Andrews to represent appellant in this appeal.

Motion to withdraw denied, C. Scott Nance relieved as counsel, Amanda J. Andrews appointed to represent appellant.

GLOVER and VAUGHT, JJ., agree.